

1 RICKY WAYNE KARLE  
2 Plaintiff

3 V.

4 COLLETTE PETERS, JUDY GILMORE

5 JASON BELL, "JOHN" PLATT,

6 "JOHN" BREWER, Defendants

CASE NO. 2:18-cv-00402-MC

HON.

CIVIL COMPLAINT WITH  
JURY DEMAND

## 7 I. INTRODUCTION

8 This is a civil complaint filed by Ricky Karle ~~a~~ state prison.  
9 for damages and declaratory judgments under 42 U.S.C §1983 alleging  
10 That SRCI officials failed to turn the ventilation systems into cells  
11 All the way off during the use of chemical agents and failed to  
12 Decontaminate Plaintiff after complained of burning, itching and sore throat  
13 Form inhaling the toxic fumes. SRCI officials did not let Plaintiff  
14 Decontaminate by way of shower until Three days over 68 hours later  
15 Plaintiff alleges that SRCI officials where ~~deliberately~~ <sup>arrogant</sup> indifferent to Plaintiff  
16 Serious medical needs to decontaminate from O.C. spray harmful effects when  
17 They denied him an opportunity to decontaminate within a reasonable  
18 Period of Time, this violating his Eighth Amendment to U.S constitutional  
19 Under The cruel and unusual Punishment standards which The Eighth Amendment  
20 Forbids.

## 21 II. JURISDICTION

22 (A.) This court has Jurisdiction over Plaintiff Claim of violation  
23 of federal constitutional right under 42 U.S.C §§1331(1) on 1343

III PARTIES

1(A.) Name of Plaintiff: RICKY WAYNE KARLE

2 Security Identification NO: 15976226

3 Address: 777 Stanton Blvd, Ontario, OR, 97914

4

5(B.) Defendants: "John" PLATT and "John" BREWER are both correctional  
6 officers employed at S.R.C.I whose first names are unknown at this  
7 time they are both sued in their individual capacity.

8 Defendants: JUDY GILMORE and JASON BELL are both assistant  
9 superintendents at S.R.C.I and are in charge of the supervision of  
10 the special housing unit (S.H.U) at the time of incident address  
11 herein They are both sued in their individual capacity.

12 Defendant: COLLETTE PETERS is the director of O.D.O.C and is in  
13 charge of the supervision and training of all the correctional officers  
14 at S.R.C.I She is sued in her individual capacity.

15 ALL defendants have acted, and continue to act, ~~and~~ under color of state  
16 law at all times relevant to this complaint.

17

IV FACTUAL STATEMENT

18

19 On-08-06-17 at approx. 5:40 PM D.S.U. staff suited up in riot gear  
20 and conducted a "cell extraction:" while in the course of the  
21 cell extraction the staff deployed chemical agent. Only  $\frac{1}{2}$  the  
22 ventilation system was turned off the intake vent sucking into  
23 Plaintiff cell was left on. Plaintiff banged on his door complaining  
24 the intake vent was left on and sucking toxic fumes into his

1 Cell, the correctional staff ignored Plaintiff. Then C.O. "Brewer" came  
 2 in with the clean up crew Plaintiff ask him twice to Be decontaminated  
 3 and he told Plaintiff you only get decontaminat if you/when you get  
 4 diretly Sprayed. C.O. "PLATT" was working the unit and Plaintiff  
 5 complained to him evey time he Passed Plaintiff cell that he was  
 6 burning and itching and having breathing Problems Plaintiff reavested  
 7 to decontaminate defendant "PLATT" ignored Plaintiff  
 8 Plaintiff Filed and did both appeals for the fact he was denied oppertunity  
 9 to decontaminate and did the same for the fact the vents were  
 10 not shut off all the way.

## 11 V EXHAUSTION OF ADMINISTRATIVE REMEDIES

12

13 Plaintiff has exhaustion his administrative remedies with the respect  
 14 to the claims addressed herein

## 15 VI CLAIMS FOR RELIEF

16

17 (A) Constitutional violations:

18 (1) All defendants actions and/or failure to act in regards to  
 19 denying Plaintiff a reasonable oppertunity to be decontaminated within  
 20 a reasonable time from chemical agents, and not shutting the ventilation  
 21 system all the way off during the use of chemical agents failed to  
 22 apply any administrative rules, correctional institutional Policy and state  
 23 law which was malicious and sadistic, intentional, dilibate, reckless and  
 24 to demonstart or substantial lack of concern for whether an injury took

1 Place and the acts and/or admissions ~~was~~ were the direct and  
2 cause to Plaintiff injuries in violation of the Eighth Amendment to ~~Proximate~~  
3 The U.S. constitution. Plaintiff Pleads and establishes the following factors.  
4 in accordance with the U.S constitution and all other factors addressed throughout  
5 This complaint:

6 (A) all defendants actions and/or failure to act failed to apply any administrative  
7 rules, corrections institutional Policy and state law to chemical agents use by  
8 failing to turn vents off during the use of chemical agents, and denying Plaintiff  
9 an opportunity to decontaminate in a reasonable time:

10 (B) all defendants actions and/or failure to act ~~where~~<sup>were</sup> done maliciously and  
11 sadistically constituting intentional, dilibately, reckless and callous indifference under  
12 The cruel and unusual Punishment standards it caused unnecessary and unwanted  
13 infliction of Pain:

14 (C) all defendants actions and/or failure to act was the direct and proximate  
15 cause of the injury and consequent damage to the Plaintiff:

16 (D) all defendants acted under color of law in their capacity as public officials

17

## 18 (B) SUPERVISORY LIABILITY

19 (1) Defendant PETERS is liable for defendants: Gilmore, Bell, Platt and  
20 Brewer conduct against Plaintiff for the following factors in accordance  
21 with administrative rules, Correctional institutional Policy and U.S constitutional  
22 law and all other factors addressed throughout This complaint:

23 (A) Defendant PETERS is the director of O.D.O.C which she supervises and trains  
24 Correctional Public officials in all Prisons and correctional institutions in Oregon:

1(B) defendant PETERS correctional Public officials Such as above listed defendants have  
2a history of the violations addressed in Article VI Section A. in this complaint;  
3(C) defendant PETERS failed to adequately supervise, review and/or discipline her correctional  
4 Public officials whom she knew and/or should of known were violating Prisoners rights and  
5 Subject Prisons as addressed in Article VI Section A in this complaint. Thereby Permitting and/or  
6 on couraging her correctional Public officials to engage in this unlawful conduct;  
7(D) defendant PETERS failed to adequately train and/or supervise her correctional Public officials  
8 in the Proper Policies, Procedures and overall other prisons to violations addressed in Article VI  
9 Section A in this complaint;  
10(E) defendant PETERS failed to adequately train and/or supervise her correctional Public  
11 official in the Proper Policies, Procedures and administrative rules to the claims addressed  
12 in Article VI section A in this complaint;  
13(F) defendant PETERS acted under the color of law in her capacity as a correctional  
14 Public official;  
15(G) defendant PETERS acts and/or failure to act was the direct proximate cause  
16 of the injury and consequent damage to the Plaintiff;  
17(H) defendant PETERS intentionally promoted and facilitated the commission of  
18 defendants: Gilmore, Bell, Platt, Brewer conduct by failing to make an effort within her  
19 legal duty to prevent the commission of their violations addressed in Article VI Section A  
20 in this complaint, thereby Permitting and/or encouraging the correctional Public officials to  
21 engage in these violations.  
22 2.) defendants: Gilmore and Bell are liable for defendants: Platt and Brewer conduct  
23 against Plaintiff for the following factors in accordance with administrative rules, correctional  
24 institutional Policy and ~~the~~ U.S Constitutional law and all the other factors ~~to~~ addressed

1 Throughout this complaint:

2 (A) defendants: Gilmore and Bell are both assistant superintendents at S.R.C.I. which

3 they supervise the correctional Public officials at S.R.C.I.

4 (B) Plaintiff asserts claims addressed in Article II, section B, subsection (1)(B) to (H)

5 in this complaint in a manner in accordance with this claim.

6 VII RELIEF REQUESTED

7 WHEREFOR, Plaintiff requests that the court grant the following relief:

8 (A) issue a declaratory Judgment stating that:

9 (1) all defendants actions and/or failure to act described herein violated the Eighth  
10 Amendment to U.S. constitution.

11 (B) Award compensatory damages in the amount of 35,000.00 both severally and

12 jointly against all defendants for Pain and suffering, sleep deprivation, shock, anxiety,

13 physical discomfort, inconveniences, emotional distress, mental suffering, shame and humiliation

14 (C) Award Punitive damages in the amount of 75,000.00 both severally and jointly against

15 all defendants for Pain and suffering, sleep deprivation, shock, anxiety, physical discomfort

16 inconveniences, emotional distress, mental suffering, shame and humiliation

17

18 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE

19 TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I


20 UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN

21 COURT AND IS SUBJECT TO PENALTY FOR PERJURY"

22

23

24 DATED: 3-7-18

  
RICKY WAYNE KARLE  
Plaintiff in Prose

CERTIFICATE OF SERVICE

CASE NAME: Karle v. Peters, Gilmore, Bell, Platt, Brewer

CASE NUMBER: (if known) \_\_\_\_\_

COMES NOW, Ricky Wayne Karle, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at SRCI 777  
Stanton Blvd, Ontario, OR, 97914

That on the 7 day of MARCH, 20 18, I personally placed in the  
Correctional Institution's mailing service A TRUE COPY of the following:

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s)  
named at the places addressed below:

U.S.D.C  
Clerk of court  
1000 SW 3rd Ave  
Portland, OR, 97204

Ricky Wayne Karle  
(Signature)

Print Name Ricky Wayne Karle  
S.I.D. No.: 15976226